

Department of Community Planning and Economic Development – Planning Division

Variance
BZZ-5714

Date: September 13, 2012

Applicant: Craig Roberts, Rehkamp Larson Architects

Address of Property: 2732 Thomas Avenue South

Contact Person and Phone: Craig Roberts, 612-285-7275

Planning Staff and Phone: John Smoley, 612-673-2830

Date Application Deemed Complete: August 9, 2012

End of 60 Day Decision Period: October 8, 2012

Ward: 7 **Neighborhood Organization:** Cedar Isles Dean Neighborhood Association

Existing Zoning: R1/Single Family District and SH/Shoreland Overlay District

Proposed Use: A 45.7 square foot entrance landing, an 11 foot 2 inch-wide stairway, and a 67 square foot addition on the front of the existing single family dwelling

Proposed Variance: Craig Roberts has applied for a variance to reduce the required front yard setback along Thomas Avenue South from the setback established by connecting a line from the front of two adjacent homes to 20 feet 8 inches, in order to construct a 45.7 square foot entrance landing, an 11 foot 2 inch-wide stairway, and a 67 square foot addition on the front of the existing single family dwelling located at 2732 Thomas Avenue South in the R1/Single Family and SH/Shoreland Overlay districts.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is occupied by an existing single-family home. The Applicant is proposing to construct a 45.7 square foot entrance landing, an 11 foot 2 inch-wide stairway, and a 67 square foot addition on the front of the existing single family dwelling in the required front yard.

The required front yard in the R1 district is the greater of the district setback (25 feet) or the established front yard: an imaginary line connecting the nearest front corners of the two adjacent residences on the same block face. The established front yard for this lot varies from 42’ (on the northern property line) to 45’ (on the southern property line) due to the positioning of the adjacent residences. The front portion of the existing home is located within the established front yard, so any additions to the front that are not considered permitted obstructions in the required front yard would require a variance.

In terms of those permitted obstructions in the required front yard, the zoning code permits entrance landings not exceeding 36 square feet in area, stairways not exceeding 6 feet in width, and vestibules not exceeding 50 square feet in area, provided the vestibules extend no further than 5' into the required yard.

The proposed stairway, entrance landing, and front addition comply with the City of Minneapolis' Zoning Code in all aspects except remaining outside of the required front yard. The Applicant is proposing to replace in-kind an existing 6' wide concrete walkway leading from the front stairway to the sidewalk. While this exceeds the zoning code's maximum width of 4' for front walkways, the Zoning Administrator has determined that such minor legal nonconforming obstructions in required yards may be replaced in-kind.

As of the writing of this staff report, staff has not received any correspondence from the Cedar Isles Dean Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Practical difficulties do not exist in complying with the ordinance because of circumstances unique to the property. The proposed 45.7 square foot entrance landing and 11 foot 2 inch-wide stairway (see plan sheet A1.0a) would be permitted in the required front yard if they were smaller (36 square feet in area and 6 feet wide, respectively).

The front addition is comprised of two distinct components: a 48.3 square foot vestibule that extends forward of the residence's front façade and an 18.7 square foot addition that fills in the recessed opening currently on the building (see plan sheet A1.0a). Considered in this manner, the proposal appears to add less than a 50 square foot vestibule which extends off of the front façade by less than 5', in keeping with the zoning code's table of permitted obstructions in the required front yard.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The addition of a stairway, entrance landing, and vestibule could be considered a reasonable use of the property. Indeed, the zoning code permits these obstructions in required yards, but only up to a certain size. Unfortunately, the proposal exceeds those maximum sizes.

The home currently possesses a 7' 5 1/2" wide stairway in front of a roughly 45 square foot entrance landing and 18.7 square foot entry niche (see plan sheet A1.0a). This stairway and entrance landing exceed the zoning code's maximum width and area, respectively, in the required front yard. Enlarging those features will not be in keeping with the spirit or intent of the ordinance and comprehensive plan, especially if the features are moved further forward, as

proposed. Indeed, the features are proposed to be moved so far forward that they would encroach into the R1 zoning district's required front yard of 25' (see plan sheet A1.0a).

Unlike the proposed stairway and entrance landing, the proposed vestibule does not encroach into the R1 zoning district's required 25' wide front yard. Furthermore, the vestibule does not exceed the zoning code's 50 square foot area maximum and 5' deep encroachment permitted in the required front yard, if the addition is viewed as a separate vestibule and 18.7 square foot addition that fills in the recessed opening currently existing on the building. An entryway infill that adds no additional area forward of the building's front face seems to be very much in keeping with the spirit and intent of the zoning code and comprehensive plan. Of course, zoning code-compliant vestibules, like the one that is proposed, are also in keeping with the spirit and intent of the zoning code and comprehensive plan.

3. **The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Allowing a wide stairway and entrance landing into the R1 zoning district's required front yard will alter the essential character of a block face whose residences almost universally remain outside of this 25' setback, according to an aerial photo submitted by the Applicant (see plan sheet A1.0b).

The application indicates that reducing the width of the proposed stairway and entrance landing would be inappropriate for the scale of the existing home, but the width of the existing recessed entryway opening at the front of the home is only 6'. If the proposed stairway and entrance landing were designed to match the 6' width of the existing recessed entryway opening, instead of the 11' 2" width of the proposed vestibule, they would be in compliance with the zoning code's maximum width of 6' (for the stairway) and maximum area of 36 square feet (for the entrance landing). Furthermore, they would not alter the essential character of the locality or be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

If such a reduced stairway and entrance landing would not match the scale of the proposed vestibule, staff feels that the width of the proposed vestibule could also be reduced with no adverse effects to the character of the locality or home. Reducing the width of the vestibule would reduce the area of the vestibule, but, when combined with the 18.7 square foot recessed entryway (proposed to be made into habitable space) the resulting 7' x 7' vestibule would be an ample 49 square feet in area: just below the zoning code's 50 square foot maximum.

Additional Findings Required for Variances in the Shoreland Overlay District:

1. **The prevention of soil erosion or other possible pollution of public water, both during and after construction.**

Zoning Code section 551.510 requires applicants submit and receive approval of an erosion control plan for grading in the Shoreland Overlay District, but only when such grading involves more than 10 cubic yards where the slope of the land is toward a protected water. The proposed vestibule will be constructed entirely within the footprint of the existing entrance landing and stairs. Only the proposed stairs and a portion of the entrance landing will extend beyond the existing home's footprint, and it appears that less than 10 cubic yards of soil will be excavated. While the land does slope slightly toward Cedar Lake, this body of water lies over 1000 feet from the subject property. The land slopes away from Lake of the Isles, which is less than 1000 feet from the subject property and the reason the property is located in the Shoreland Overlay District.

2. Limiting visibility of structures and other development from protected waters.

The proposed one story addition is screened from view by far taller residences and trees, when viewed from the shores of Cedar Lake and Lake of the Isles.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

While the site is within the Shoreland Overlay District, the property has no direct frontage on the lake. The proposed vestibule, stairway, and entrance landing will not increase watercraft usage on either Cedar Lake or Lake of the Isles.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the required front yard setback along Thomas Avenue South from the setback established by connecting a line from the front of two adjacent homes to 20 feet 8 inches, in order to construct a 45.7 square foot entrance landing and an 11 foot 2 inch-wide stairway and **approve** the variance to reduce the required front yard setback along Thomas Avenue South from the setback established by connecting a line from the front of two adjacent homes to 20 feet 8 inches, in order to construct a 67 square foot addition on the front of the existing single family dwelling located at 2732 Thomas Avenue South in the R1/Single Family and SH/Shoreland Overlay districts subject to the following conditions:

1. The vestibule may be reduced in area if the owner and Applicant feel that the approved steps or entrance landing are inappropriately scaled for the size of the vestibule.
2. Final site and elevation plans must be approved by CPED-Planning staff.

A: Plans

B: Vicinity Map

C: Statement Addressing the Variance Findings